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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,133	07/24/2001	Chih-Chuan Yen	PHTW000005	4004

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

PIERRE, MYRIAM

ART UNIT PAPER NUMBER

2654

DATE MAILED: 06/18/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,133

Applicant(s)

YEN ET AL.

Examiner

Myriam Pierre

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 4,8,9,& 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/24/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each publication or that portion which caused it to be listed, and all other information or that portion which caused it to be listed. Form 1449, the Information Disclosure Statement, and the publications were not found in the application. It has been placed in the application file, but the publication referred to therein have not been considered unless listed on the Form 892.

Specification

2. The disclosure is objected to because of the following informalities:
Transposed drawing numbers in the application, legal jargon and ambiguous words used in the abstract.

On page 5, line 23 refers to a drawing number (170); it is unclear as to which drawing number the applicant is identifying in the drawings. The abstract of the disclosure is objected to because further microphone in line 6 is referring to a drawing number (170); it is unclear as to which drawing number the applicant is identifying in the drawings. If applicant is referring to "a further microphone", then using Fig 2, the correct drawing number is (107).

"Fig. 1", in line 9, is extraneous, is in the abstract section of the application.

Removing 'Fig. 1' from the abstract will correct the problem.

Also, the word 'said', as used twice in line 6 of the Abstract should be changed to an "a".

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show verbal labels in Fig. 2 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 4, 8, 9, and 10 are objected to because of the following informalities:

Claims 4,8, 9, and 10 recite ambiguous conjunctions 'and/or'. Please clarify which word is intended to limit the claim by selecting either 'and' or 'or'. The examiner has interpreted the 'and/or' as 'or' for the purpose of applying prior art.

Furthermore, Claim 10 recites the limitation "said speech processing". There is insufficient antecedent basis for this limitation in the claim. The examiner has interpreted that the microphone on the remote control or the further microphone comprised by apparatus is a signal source for the step of processing speech commands.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer (WO 95/06309), in view of McIntosh (5,970,159)

Regarding claims 1 and 3, Fischer uses a microphone remote control that uses a speech recognition processor (Page 6, lines 24-33) to process speech commands. (Page 5, lines 21-30), but, does not use a further microphone in the apparatus being controlled.

However, McIntosh uses a further microphone in the apparatus (Column 2, lines 14-17).

At the time of invention, it would have been obvious to a person of ordinary skill in the art, to combine Fischer's microphone remote control that uses a speech recognition processor to process speech commands with McIntosh's further microphone used in the apparatus. The motivation for doing so would have been to offer flexibility to the user by combining (speech) manual control and (speech) remote control, using Fischer's microphone remote control along with McIntosh's further microphone on the apparatus to operate a device such as a TV/VCR.

5. As to claim 2, the condition of Fischer and McIntosh teaches a voice-operated remote control that operates via a microphone inside the remote control (page 7, lines 31-36) and a further microphone (page 4, lines 23-27), but Fischer's microphone is not omni directional.

However, McIntosh teaches of using an omni directional microphone attached to an apparatus as an alternative to a directional microphone (page 3, lines 10-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Fischer's microphone with McIntosh's further omni directional microphone used in an apparatus; to alternatively provide the user the convenience of speech command near the apparatus that does not depend on user's directional position, thereto, making the user free to command the further microphone from the left, center, or right.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatented over Fischer in view of McIntosh, as applied to claim 1, in further view of Rodriguez (2003/0105637).

As to Claims 4-6, 9 and 10, Fischer and McIntosh teach using a remote control that has a microphone for processing speech commands (page 5, lines 28-30). But, they do not teach of using a switch button on the remote that toggles between two microphones.

However, Rodriguez teaches using a switch button on the remote control in which the operator of the remote can toggle between microphones (column 2, paragraphs 0015-0016).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to thus use a switch so that extraneous speech or noise is not picked up by the other microphone, by allowing the user the option of either microphones, as specified in claims 4-6, 9, and 10.

In Claim 10, the other limitations mentioned, such as the comprising method of controlling an apparatus, are already considered under Claim 1 above.

7. Regarding claim 7, Fischer in view of McIntosh, teach a microphone inside of the apparatus, (Column 2, lines 14-17), but, do not teach of a voice command remote control that operates the apparatus.

They also teach of a voice command remote control operating the apparatus, but fail to teach the primary user of a voice remote control having priority.

However, Rodriguez uses a primary microphone, in the remote control, that has priority with a second/further microphone on the remote control operative to assisting in canceling noise received by the secondary microphone in the apparatus (column 2, paragraph 0016).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to allow command input to both microphones; using their suggestion and applying Rodriguez's primary and secondary microphone teaching on the remote and apparatus microphone, with the remote having priority, to cancel noise picked up by the other microphone.

The suggestion/motivation for the priority would have been to allow the user's remote control portability in carrying the remote rather than having to speak into the apparatus. The secondary microphone would allow another user of the further microphone access to controlling the apparatus in close proximity without the primary user's input voice commands.

It would have been to have a two microphone, the primary microphone on the remote that gives the user priority; and, the user of the secondary microphone on the apparatus itself access to operating the apparatus as in the invention as specified in claim 7.

Regarding claim 8, Fischer teaches accommodating multiple users, each using their microphones, via a multiple position switch that is incorporated into the remote control device. Fischer uses a spoken code or pulses that select which operator will have command (page 18, line 36-38 and page 19, lines 6-7).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows:

Cox, (5,832,439), teaches of a method for providing voice input using a microphone.

Gatto, (5,905,521), teaches in column 2 lines 21-24 of a device that can be controlled remotely or non-remotely via a microphone.

McCall, (6,591,239), teaches of a manual control apparatus that can be overridden with voice control signals. (Abstract)

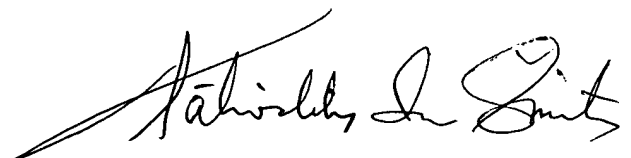
Mühling, (5,878,394), teaches of process for speech-controlled remote control of electrical consumers by means of speech commands entered.

Yasuoka, (4,885,766), teaches of a remote control device having an apparatus controlling switches.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myriam Pierre whose telephone number is 703-605-1196. The examiner can normally be reached on Monday – Friday from 5:30 a.m. - 2:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on 703-306-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TĀLIVALDIS IVARS ŠMITS
PRIMARY EXAMINER